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UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

DOCKET FILE COPY ORIGINAL

In Re Applications of:) MM DOCKET No.: 99-153
)
READING BROADCASTING, INC.) File No.: BRCT-940407KI
For Renewal of License of)
Station WTVE (TV), Channel 51)
at Reading, Pennsylvania)
)
and)
)
ADAMS COMMUNICATIONS) File No.: BPCT-94063KG
CORPORATION)
For Construction Permit for)
a New Television Station to)
Operate on Channel 51,)
Reading, Pennsylvania)

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HERITAGE REPORTING CORPORATION

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Reading, Pennsylvania)	

Courtroom TWA, Room 363
The Portals
445 12th Street, SW
Washington, D.C. 20554

Thursday,
January 13, 2000

The parties met, pursuant to the notice of the
Judge at 9:30 a.m.

BEFORE: HONORABLE RICHARD L. SIPPEL
Administrative Law Judge

APPEARANCES:

On behalf of Name of Reading Broadcasting, Inc.:

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1143

I N D E X

VOIR

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
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David Kase	1145	1147	1173	--	--
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Joseph Boothe	1210	1214	1249	--	--
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E X H I B I T SIDENTIFIEDRECEIVEDREJECTEDReading Broadcasting, Inc.:

17	1178	--
17-A	1191	--
18	1196	1197

Adams Communications Corp.:

43	1150	1178
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P R O C E E D I N G S

(9:30 a.m.)

1 Whereupon,

2 DAVID KASE

3 having been first duly sworn, was called via telephone as a
4 witness herein and was examined and testified as follows:

5 JUDGE SIPPEL: Please be seated.

6 We're on the record.

7 Mr. Kase, are you there?

8 THE WITNESS: Yes, sir. I am.

9 JUDGE SIPPEL: Can you hear me all right?

10 THE WITNESS: I can hear you fine.

11 JUDGE SIPPEL: If you're having hearing problems
12 with any of the questions, comments or objections of
13 counsel, please let me know right away and we can
14 logistically move the attorneys either than we can
15 logistically move yourself.

16 THE WITNESS: Yes, sir.

17 JUDGE SIPPEL: Okay. Who is sponsoring this
18 witness?

19 MR. HUTTON: Reading Broadcasting, Inc. is, sir.

20 JUDGE SIPPEL: If you want to proceed.

21 DIRECT EXAMINATION

22 BY MR. HUTTON:

23 Q Mr. Kase, Reading Exhibit 7 is entitled Testimony

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1 of David Kase. It's a one-page exhibit followed by your
2 supporting declaration. Are you familiar with that exhibit?

3 A I'm sorry, sir. I can only hear about every third
4 word you're saying. There's just a little too much echo.
5 You're a little too far from the speaker, the mike.

6 JUDGE SIPPEL: We're going to ask Mr. Hutton to
7 come up here, find a place where you're comfortable.

8 MR. HUTTON: Can you hear me from here?

9 THE WITNESS: Could you speak again? A test, so
10 to speak.

11 MR. HUTTON: Can you hear me from here?

12 THE WITNESS: Yes, I can understand you now.

13 MR. HUTTON: Okay.

14 BY MR. HUTTON:

15 Q Reading Exhibit 7 is entitled Testimony of David
16 Kase, and it is a one-page statement followed by your
17 supporting declaration. Are you familiar with that exhibit?

18 A Yes, I am.

19 Q Do you have any changes to make in that exhibit at
20 this time?

21 A No, I don't.

22 MR. HUTTON: On that basis, Your Honor, the
23 witness is available for Cross-Examination.

24 JUDGE SIPPEL: Mr. Bechtel?

25 MR. BECHTEL: Yes.

1 CROSS-EXAMINATION

2 BY MR. BECHTEL:

3 Q Good morning, Mr. Kase, can you hear me?

4 A Yes, I can.

5 Q We appreciate you and the Mrs. coming down here
6 last week, and we apologize that we didn't get to you, but
7 this morning we're going to move as quickly as we can.

8 A All right.

9 Q The exhibit -- Your Direct testimony that you just
10 referred to, did you draft that or did someone draft that
11 for you?

12 A Someone at the station drafted it. I'm not sure
13 exactly who.

14 MR. BECHTEL: I didn't hear that.

15 THE WITNESS: I --

16 JUDGE SIPPEL: Hold it just a second. We're
17 having a little bit of a hearing problem at this end. Hold
18 it just a minute.

19 (Pause)

20 JUDGE SIPPEL: While we're moving around, do we
21 have a phone number from where you're calling in case we
22 lose you?

23 THE WITNESS: Yes, sir. My phone number here is
24 area code 610-921-9181.

25 JUDGE SIPPEL: 9181. And the area code is again?

1 THE WITNESS: Area code 610.

2 JUDGE SIPPEL: Okay.

3 Mr. Bechtel has moved and he can hear better, so
4 let's try this question again.

5 BY MR. BECHTEL:

6 Q The question, Mr. Kase, was did you prepare the,
7 did you write that exhibit or was it drafted by someone else
8 or did someone else work with you in the drafting?

9 A Someone else drafted it and then it was presented
10 to me to determine if it was correct, and then I signed it.

11 Q I assume in the reference to the potential for
12 errors in providing local live television programs, you
13 took into account that there are some television stations
14 who are willing to assume that risk.

15 A Truthfully I never considered it in my mind. It's
16 just something that we considered and figured that it's much
17 easier and safer to tape beforehand.

18 Q Thank you.

19 You should have -- Now I want to go to a different
20 subject.

21 You should have received a set of program logs
22 that relate to some entries in the discrepancy reports for
23 EBS items and then a series of other logs relating basically
24 to transmitter outages and reduced power. I hope you
25 received those.

1 A Yes, sir. They're in front of me right this
2 moment.

3 Q So you have the basic package of logs and we have
4 a set here in case we need to get into the logs themselves.
5 But then you have a packet which has some conformed copies
6 of what was written on the discrepancy reports, and then
7 attached to that are the discrepancy reports. Do you have
8 that, sir?

9 A One moment while I look through. Unfortunately, I
10 think all I have are the actual logs themselves. Let me
11 look through the stacks and see if there's anything else
12 mixed in with them, but I do not think I have anything else.
13 I've only received one package. In that package was the
14 logs, and that's what I have in front of me. There seems to
15 be nothing else with it.

16 Q Okay.

17 Well, the folks here have a set of papers that I'm
18 now going to identify for the record which will help them
19 understand the logs, and then you have the logs and you can
20 understand them directly.

21 A Yes, sir.

22 MR. BECHTEL: I believe that we distributed the
23 other day a package such as that. I'm going to distribute
24 this morning the very same package except I have put a cover
25 sheet on it which gives some page references, and then for

1 the group of discrepancy reports which were not paginated,
2 we've now paginated them, so we can now refer to the
3 specific pages.

4 Without further ado, this document entitled
5 Discrepancy Reports Relative to EBS and Transmitter Outages
6 consists of a cover page with an index to the page numbers
7 and it is numbered now pages 1 through 170. I'd ask that
8 this be marked for identification as Adams Exhibit 43.

9 JUDGE SIPPEL: That document is to be marked by
10 the Reporter as Adams Exhibit No. 43 for identification.

11 (The document referred to was
12 marked for identification as
13 Adams Exhibit No. 43.)

14 JUDGE SIPPEL: On the title is Discrepancy Reports
15 Relative to EBS and Transmitter Outages.

16 BY MR. BECHTEL:

17 Q Mr. Kase, very quickly on your background, your
18 indoctrination into the technical aspects of broadcasting
19 was during the military, is that correct?

20 A Yes, sir.

21 Q Briefly, just how many years and where did you
22 serve?

23 A I was in the military, active for six years --
24 from 1975 to 1981.

25 Q And then my notes are that you commenced work as

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1 an Assistant Chief Engineer, or you've been an Assistant
2 Chief Engineer at Channel 51 starting in about 1985 into
3 some period in early 1990, and then you resumed, in or about
4 1993, through the end of 1994 and perhaps beyond. Is that
5 approximately correct?

6 A Yes, sir. It is.

7 Q And at times you have also served sometimes on a
8 fill-in basis as a Master Control Operator, did you not?

9 A Yes, for a short period of time. A few months
10 maybe.

11 Q Since we have some of these discrepancy reports
12 that bear your signatures, this helps us to pinpoint a
13 little bit some of the dates when you were there on a tour
14 of duty. If I may suggest, we have found dates in both 1991
15 and 1992, and I can identify them here on the record, where
16 you did appear on the discrepancy report. So I will proceed
17 on the premise that you were there in 1991 and 1992. Is
18 that okay?

19 A Yes, sir.

20 Q The Master Control Room, which was in downtown
21 Reading, thereabouts, also included the remote control
22 equipment for the operation of the transmitter, is that
23 correct?

24 A Yes, it is.

25 Q Also in that area was the EBS equipment, is that

1 correct?

2 A Yes, sir.

3 Q The transmitter itself was approximately two or
4 three miles away by driving, is that correct?

5 A Yes, sir.

6 Q So if one needed to go to the transmitter,
7 approximately how much, from the Master Control Room,
8 approximately how long would that take?

9 A If there was no snow or something like that, ten
10 minutes.

11 Q There would be sometimes when you couldn't fix a
12 problem while at the Master Control Room site and would have
13 to go to the transmitter, is that correct?

14 A Yes, sir.

15 Q Forgive me for being very general, but from our
16 deposition one of the things that you said, I believe, is
17 that the station did not have a regular maintenance period
18 off the air, it was 24 hours a day, but that if we found
19 entry on a log which showed that there was a two, three,
20 four hour transmitter off the air during the time period
21 from midnight up to 8:00 o'clock in the morning, that was
22 likely a scheduled maintenance going off the air and not
23 some problem with the transmitter, is that correct?

24 MR. HUTTON: I'm going to object on grounds of
25 relevance. I don't understand the relevance of this line of

1 testimony.

2 JUDGE SIPPEL: Hold on just a minute, Mr. Kase, we
3 have an objection.

4 THE WITNESS: Yes, sir.

5 JUDGE SIPPEL: Mr. Bechtel?

6 MR. BECHTEL: I'm just trying to establish the
7 difference between a transmitter outage and a problem versus
8 an entry in the log which is not a problem

9 JUDGE SIPPEL: I'm going to permit -- I mean this
10 is in the nature of background. He's laying a foundation.
11 It's not directly relevant, but I will still permit it as
12 discretion of Cross-Examination, as long as it doesn't get
13 into too much detail.

14 Objection overruled. You may proceed, Mr.
15 Bechtel.

16 Answer the question.

17 THE WITNESS: Basically, if I was doing scheduled
18 maintenance I would always start the maintenance right at
19 midnight or within the hour after, because that was when our
20 less, less viewers, we'd have less viewers watching during
21 that time, and generally we were making less money, so it
22 was the most efficient time to take us off the air.

23 So if it was a scheduled maintenance, we would
24 have taken it off the air probably between 12:00 and 1:00
25 o'clock in the morning, and then probably tried to have been

1 back on the air before 6:00 to 8:00 that same morning.
2 Depending on what I was doing, it would be -- It might be a
3 few hours up to eight hours. Rarely did I ever take it down
4 for more than eight unless it was absolutely necessary.

5 If there was a time that went out say at 3:00
6 o'clock and we came back on at 5:00, I can almost guarantee
7 that would have been a failure in which I was called in on,
8 because I generally never started a job that late in the
9 morning.

10 BY MR. BECHTEL:

11 Q Also from our deposition I have notes that lots of
12 times if there is a very brief period when the transmitter
13 is off the air, this is what you called an overload problem
14 to protect some of your valuable tubes, and there was a
15 reset button or something that could fix that rather quickly
16 from the Master Control location. Is that correct? Or
17 explain that in a little better detail.

18 A Basically you have it. The reset, the transmitter
19 is protected by certain failsafes. If any of them are
20 tripped, an automatic system turns the transmitter, the high
21 voltage of the transmitter off to protect the tubes, the
22 transmission line and what not.

23 At that point the transmitter will automatically
24 try to reset itself three times. After the third time if
25 the condition still exists that it originally shut off on,

1 it will stay off until a human becomes involved and can
2 check the situation out.

3 At that point Master Control would manually try to
4 reset once or twice themselves.

5 If they were successful, they generally would
6 inform me of the fact and I would ask certain questions,
7 take certain meter readings to find out if I could determine
8 what the problem was. If they were not able to bring the
9 transmitter on they obviously paged me and then I went up to
10 the transmitter or came here and then the transmitter to
11 determine the problem and get us back on the air.

12 Q In the period of logs that we've studied there
13 were perhaps four or five situations where there were
14 problems with the transmitter that extended over a period of
15 a couple of days, or maybe even longer. I want to focus on
16 that. And I will give you specific logs here in a moment,
17 but from our deposition I understood that one possible
18 problem when you had that sort of thing was in dealing with
19 something called an exciter. My question is, could you
20 share with us and the Judge what an exciter is and what
21 might have gone wrong with an exciter.

22 A When they refer to an exciter, that is basically
23 the heart of the transmitter. It has nothing to do with the
24 high voltage, high power output levels, it's simply a five
25 watt transmitter, a very good one, but it's a low power

1 transmitter which we take our signal from the studio, put
2 into that, which gets us five watts out, thereabouts.

3 At that point those five watts are then injected
4 into the high power system, the tubes, and jacked up to
5 60,000 watts. It's simply an intermediate stage amplifier
6 to give us a signal level we can use to amplify even higher.
7 It is the heart of the transmitter, and our exciter was the
8 original one with our RCA transmitter and it was very old at
9 that time. I'm not sure of the exact date, but somewhere
10 around '93, '94, we replaced it with a new exciter and we've
11 had no problems with it since.

12 JUDGE SIPPEL: When was that replaced?

13 THE WITNESS: I'm not sure of the exact date. I
14 do remember I was here. I do remember it was in the winter.
15 Unfortunately, I don't have the year.

16 JUDGE SIPPEL: What year, though?

17 THE WITNESS: I'm really not sure. I think it was
18 around '93, '94, but I would not swear to that.

19 BY MR. BECHTEL:

20 Q What period of time were you there? Were you
21 there beyond '94?

22 A You have to understand I have left the company
23 twice. I'm back on my third tour of duty, so to speak, with
24 the station.

25 I left originally in I think early '90, came back

1 again a few years later, stayed for awhile, and then moved
2 on again for awhile, and then I came back again three years
3 ago. It was during the second tour of duty, so to speak.

4 Q I guess my question is in the second tour of duty,
5 can you recall, did that extend beyond 1994?

6 A Let me think. Yes, it did by a year or two. I
7 think it happened, the exciter change happened before that,
8 though. I'm pretty sure it was before '94.

9 Q From our deposition, another recurring problem
10 that might explain these transmitter difficulties had to do
11 with the water cooling of the transmitter and the facilities
12 that were employed in the water cooling of the transmitter.
13 If I have that roughly correctly, could you amplify on that
14 and explain why that might have been a problem?

15 A The three high power tubes we use in the
16 transmitters to produce -- The three tubes that we use to
17 produce the high power levels, the 60,000 watts, 20,000
18 watts per tube, they are older style tubes and they are
19 fairly inefficient. They use about 30 percent of the power
20 they take in and they're only 30 percent efficient, which
21 means 60 percent of the energy they make is turned into
22 heat.

23 We use a steam to water system. There's a water
24 jacket around the tubes. The water is turned to steam which
25 we then pipe to another room in the building which has a

1 very large heat exchanger which consists of a radiator and
2 large fans to cool the water, or the steam back down, turn
3 it back to water, and then pump it back to the tubes again.

4 It works well, but it has a tendency to spring
5 leaks and the high temperature of the water wears the rubber
6 parts out. Over a period of time they harden, and we
7 develop leaks.

8 I have had to go up to replace rubber hosing.
9 Once or twice the water pump has failed. We have backups.
10 That simply means switching over to the backup and then
11 replacing the water pump. But there were numerous things.
12 Sometimes in the fall when we had quite a bit of leaves
13 coming off the trees, we are up in the woods, and air intake
14 problems once in awhile. These things didn't happen often,
15 but they do happen.

16 Q I want you to refer to a specific timeframe
17 wherein there appears to have been a recurring difficulty
18 with the transmitter. If you can get the log in your stack
19 of logs for the transmitter operation, they should be in
20 sequence. November 19, 20, 23, continuing on until December
21 14. And I'm going to refer the parties here in this room to
22 pages 15 through 23 of our Exhibit 43.

23 I'm sure it will take you a moment to refresh
24 that. Your name is on --

25 A What was the last date? November 24th?

1 Q November 19 -- No, let's take it on over to
2 December 14th.

3 A Okay. I have November 19th and I've seen those.
4 Just a second.

5 Q December 14th you say?

6 A December 14th.

7 JUDGE SIPPEL: This is all in '92, right? 1992?

8 MR. BECHTEL: It was all in 1992.

9 THE WITNESS: I have two stacks here. They're in
10 order, but each stack is separate, so one moment.

11 Okay, I'm finding that. All right, I see this one
12 too.

13 BY MR. HUTTON:

14 Q Do you have them?

15 A Yes, sir.

16 Q And --

17 A Monday December 14, 1992.

18 Q Right.

19 A And I have the others.

20 Q So what you start with is November 19, November 20

21 --

22 A Yes.

23 Q 23 --

24 A I have 23, yes.

25 Q 24.

1 A Yes.

2 Q 25.

3 A Yes.

4 Q 26.

5 A Yes.

6 Q 27.

7 A Yes again.

8 Q 28, 29, 30.

9 A Right. I got up to 28 and then they went to
10 August. One moment and let me check the other stack.

11 I'm missing the 30th, but I do have up to the
12 28th.

13 Q We can probably get along without those two.

14 A I'm sure.

15 Q Try December 1, 2 --

16 A One moment, please. Of '92, correct?

17 Q Correct.

18 A One moment.

19 (Pause)

20 A Okay, what's the date in December you wanted?

21 Q 1, 2, 3, 4, 6, 7, 8, --

22 A My December dates start at the 14th and continue
23 from there. I don't have the beginning of December. Let me
24 look through the rest of the stacks, but since they're in
25 order I don't think they're here. Those dates.

1 I have December -- one moment.

2 (Pause)

3 A The December dates you're talking about, the only
4 Decembers in 1992 I seem to have -- Hang on one moment.

5 (Pause)

6 A That's the wrong year, sorry.

7 Okay, the only dates I have for 1992 are December
8 14th through December 21st of '92. Those are the December
9 '92 logs I have here.

10 Q Well, let's take the November logs.

11 A Okay.

12 Q Take a moment, and if you want to review the
13 entries there relative to the transmitter, and then take,
14 lead us through those, or share with us what their belief is
15 the problems were.

16 A I'm not sure, a couple of these logs, November
17 dates, I have here the 21st and 22nd. They're blank. So
18 they tell me nothing. There's no entries on them.

19 November 24th, 25th, 26th, they have entries, but
20 not all of them mention anything about the transmitter.
21 They talk about missing logs and missing breaks, maybe, or a
22 break coming in, had original --

23 What were the exact dates you wanted me to look at
24 for November?

25 Q November 25, 26, 27 --

1 A I have them. Okay.

2 On November 25, transmitter overload, reset
3 itself. Overload alarm went off. Raised Channel 5 and
4 cleared board.

5 Raised Channel 5, they're referring to the reset
6 procedure.

7 So basically the overload went off, it couldn't
8 reset itself and it had to be done manually down here, or at
9 our Master Control.

10 Q You've gone ahead of me. How about November 19th.

11 A November 19th.

12 Q First entry.

13 A Just one moment. November 19th, first entry.

14 Signal flicking on and off. Gave monitoring signal, went to
15 see what -- Oh. I can't quite read the last line. I think
16 it says wants to see what happens, I think.

17 Q Or wait and see. Wait to see what happens.

18 A Gibb is my Chief Engineer, he was the Chief
19 Engineer at the time. He's still my consulting Chief
20 Engineer as of now. He's the gentleman who pretty much
21 taught me all about the transmitter. If he was involved
22 obviously it was a serious problem, because I don't call him
23 unless I can't handle it.

24 Q Then go to November 20, the first item.

25 A I do not have November 20th either, sir. I have

1 the 21st is next.

2 Q I'm looking at -- Well, if he doesn't have it, he
3 doesn't have it. Page 16 is what I'm looking at.

4 JUDGE SIPPEL: Well --

5 MR. HUTTON: I'm looking at page 90 which is --
6 Oh, --

7 MR. SIFERS: Look at page 88. I have the 20th as
8 page 88.

9 MR. HUTTON: Oh, I see.

10 THE WITNESS: My next one in sequence would be
11 November 21st.

12 MR. HUTTON: It might be out of order. Look at
13 prior to November 19th.

14 THE WITNESS: Yes, sir.

15 MR. HUTTON: Do you see November 20th?

16 THE WITNESS: One moment. Someone was knocking on
17 the door. I chased them away.

18 You say it would be before November 19th?

19 MR. HUTTON: That's the way it appears in my set.

20 THE WITNESS: And you're looking for November
21 20th.

22 JUDGE SIPPEL: It's actually one that's crossed --
23 It had November 19th and then it was crossed out and 20
24 written in.

25 THE WITNESS: I have November 19th, and right now

1 I'm missing the 20th. I have everything else after that up
2 through the 26th it looks like or even a little past that.

3 Hang on, let me check through them.

4 I have everything up to November 28th. November
5 19th, but it skips the 20th.

6 MR. BECHTEL: If you don't have the 20th, then I
7 can't ask you the question.

8 THE WITNESS: Wait a minute. I have two November
9 19ths. It looks like they copied November 19th, oh, here it
10 is, it's tacked on to the back. It was stapled together.

11 I have November 20th here.

12 BY MR. BECHTEL:

13 Q And the reference I'm looking at is "Overload
14 going off sending transmitter off air. Can be raised
15 manually. Happened five times. Continues to happen again."

16 Do you see that?

17 A Yes, sir. And your question is?

18 Q This is a continuing series of events. If you
19 look at November 23, second item.

20 A Right. Transmitter flicked on and off. Correct.

21 Q At 8:52. "Transmitter flicked on and off."

22 A Right, I have that one.

23 Q All right. November 24 --

24 A I see no references to the transmitter on that
25 one.

1 Q I don't see any either.

2 November 25 at 7:51. "Equipment transmitter
3 overload and reset itself." You've already covered that.

4 A Correct.

5 Q Let's go to November 26.

6 MR. HUTTON: Your Honor, I'm not understanding
7 this line of questioning and the relevance. There's no
8 showing of a rule violation. Equipment failure is not a
9 basis for denying renewal of a station.

10 JUDGE SIPPEL: Hold on, Mr. Kase.

11 THE WITNESS: Yes, sir.

12 JUDGE SIPPEL: What are we doing, Mr. Bechtel?
13 The relevance.

14 MR. BECHTEL: The relevance, sir, is the
15 continuing quality of service which is relevant. It's one
16 of the three factors in such cases as Cowles Broadcasting
17 Company of Central Florida, this is from the Court of
18 Appeals decision in 1981. I have the citation 49 RR 2nd at
19 1138, and then the passage that I'm referring to is at page
20 1156 which recites as one of the three justifications for
21 renewal is that "licensee should be encouraged through the
22 likelihood of renewal to make investments to insure quality
23 service."

24 JUDGE SIPPEL: What's the name of that case again?

25 MR. BECHTEL: Cowles Broadcasting, Inc.

1 MR. HUTTON: I still don't understand the
2 relevance. There's no showing that the station did not make
3 the necessary investments to keep the station on the air.
4 All these logs show is that the station monitored the
5 situation carefully and took steps to put the station back
6 on the air.

7 JUDGE SIPPEL: Well, it might end up helping
8 Reading more than it hurts, but based on what's enclosed and
9 represented to me by counsel in this Cowles Broadcasting,
10 certainly I'm prepared to let this line of questioning go on
11 so long as it doesn't get too, it doesn't burden the record
12 too much and it doesn't wear out the witness.

13 MR. BECHTEL: Judge, I'm going to finish this and
14 then --

15 JUDGE SIPPEL: The objection is overruled.

16 MR. BECHTEL: I'm going to finish this and then
17 one more as examples, and then I'm done. So I'm not going
18 to burden the record.

19 BY MR. BECHTEL:

20 Q Do you have the log for November 27, Mr Kase?

21 A You said November 27th?

22 Q Yes.

23 A Yes, I do.

24 Q At 8:03 the reference I'm looking at is,
25 "Transmitter kicked off, didn't raise itself back up. Tried

1 raising several times. On the last time it raised up."
2 8:20 "Keeps going off". 8:22, "went off during a break."
3 3:40, "off air, reset". 12:51 "also happened. "

4 Do you see that?

5 A Yes, sir.

6 The --

7 Q What's going on here, if you can tell, sir?

8 A Pardon?

9 Q What's going on throughout this period of time if
10 you can, if you have an opinion.

11 A I'm trying to remember back. Most of the
12 troubleshooting over the years seems to blur into one big
13 one. But according to the way it's acting here, I think we
14 had a bad what they call a bullet in the transmission line.
15 They're connecting joints between one joint and another of
16 the transmission line. Unfortunately, there's no way to
17 determine where it's at without taking us off the air for a
18 long period of time. That's why we continued to operate and
19 collect information so we could figure out what it is and
20 take us off the air for as little time as possible. As long
21 as we're not damaging equipment, it generally seems smarter
22 to do it that way considering we do not have a backup
23 transmitter.

24 So what we're doing here is troubleshooting or
25 waiting for more systems to come in so we can find it out.

1 At this point I would hazard a guess to say that it was a
2 transmission problem and we were getting feedback down the
3 line to the transmitter. It's a serious consideration, it
4 can do very, very serious long term damage to the
5 transmitter.

6 So they need to, again, that's what it looks like
7 to me. I don't think this is the exciter problem. I think
8 this was an unrelated problem in the transmission line --
9 something that happens to anything that's been in operation
10 for, at this point it was like 12, 13 years we were in
11 continuous operation.

12 You have to understand, anything that runs day and
13 night for 10 to 15 years has a tendency to wear out after
14 awhile.

15 Q I believe your transmitter was built sometime in
16 the 1970s?

17 A Yes, sir, and we installed it around 1979. It was
18 bought used. It was a good piece of equipment, good quality
19 transmitter for its date, for the time it was built. It was
20 top of the line.

21 Q It's my understanding that you are missing logs up
22 until December 14 of 1992?

23 A You mean having them in front of me here?

24 Q Having them in front of you, yes, sir.

25 A December 14, 1992. Let me check the December

1 stack here.

2 My December 1992 started December -- Wait a second
3 here. Sorry, they were kind of mis-stacked. They were
4 under November 29th and 30th. I have December 1st here, and
5 it looks like I have all of December. Or most of what you
6 need.

7 Q As we're proceeding here I think this will be my
8 one and only example.

9 A All right.

10 Q We'll leave the rest for argument based on this
11 gentleman's testimony and the entries.

12 December 2 at 1447, transmitter went off the air.
13 Do you see that?

14 A "Transmitter went off air. Was up in front ten
15 minutes when it went off. Came in as soon as heard alarm."
16 Yes, sir. I see it.

17 Q December 3 at 2312. "Transmitter flickered and
18 went off, overload came on, went off air briefly, brought us
19 back on going to" something. "Meet Dave to inform him of
20 transmitter flickering and acting up. Do you see that?

21 A Yes, sir. I have it.

22 Q We're looking at the same kind of thing, aren't
23 we?

24 A Yes, I am. It was a continuation of the same
25 problem. Even if we had determined it was the bullet, then

1 we would have had to get a replacement.

2 One of the problems with purchasing an older piece
3 of equipment, even if it's in very good shape, is that 10,
4 12 years later when you go to get spare parts, quite often
5 they're very difficult to find.

6 RCA had been out of the business for a number of
7 years already, the transmitter business. And they had sold
8 their maintenance responsibilities to other companies. Once
9 that happens, generally spare parts are hard to come by and
10 they take awhile to get. I think at this point we were
11 probably waiting for the spare parts to repair the problem.

12 On the order to get for instance say a tube to
13 replace one of mine that would blow out would take on the
14 order of six to eight weeks to be manufactured and shipped
15 to us. These things are not shelf items and they have to be
16 made to order.

17 Q December 6 at 58-3, whatever that is. 58-350, do
18 you know when that would be?

19 A Let me see here. This was written by the third
20 gentleman, Samuel Ndungi [ph]. He works from 1600 to
21 midnight. I'm sure it's between that timeframe.

22 JUDGE SIPPEL: Do you want to spell his name so
23 the Reporter gets it down?

24 THE WITNESS: I'll try. It's N -- I'm sorry, sir,
25 I can't read it here and I didn't know the gentleman well

1 enough.

2 JUDGE SIPPEL: Well phonetically, how would you
3 spell it?

4 THE WITNESS: Truthfully, I'm not even sure how to
5 pronounce it. I'd have to look at it to pronounce it. He
6 was a foreign exchange student at our local college and we
7 were helping him out with his visa and his student papers.
8 He needed some aid and we were giving him some employment
9 and aid and training all at the same time, trying to help
10 him make a living and get his life going in this country.
11 It was one of our, I guess you could call it community
12 service efforts we were doing, and also doing it as a favor
13 to this person.

14 A person from Albright College, a counselor,
15 approached us about us helping him --

16 JUDGE SIPPEL: All I'm looking to do is get
17 something so the record can identify this person. Did he
18 have a nickname or anything that --

19 THE WITNESS: He -- Sam was his first name.
20 Ndungi, N-D-U-N-G-I. That would be as close phonetically as
21 I think I can get.

22 JUDGE SIPPEL: All right. That's what we'll put
23 then. Sam as you've explained, as you spelled it. Then
24 I'll ask the reporter to put in parens phonetically.

25 Thank you.

1 BY MR. BECHTEL:

2 Q Okay, December 6th at the time that we were just
3 talking about, "Transmitter was going off and on. Kept
4 raising and lowering it."

5 Do you see that?

6 A Yes, sir.

7 Q December 7 at 0027, "Same problem with transmitter
8 as other days. Continued intermittently all night."

9 Do you see that?

10 A Yes, sir.

11 Q December 8 at 5:20, "Transmitter tripping" --

12 A Same thing.

13 Q That's the same thing?

14 A Yes, sir.

15 Q And 1250, the flickering on and off, the same
16 thing?

17 A Yes, sir.

18 Q December 9 at 0309, "transmitter problems as
19 before".

20 A Yes, sir. Same thing.

21 Q And I have to ask you this one. December 10 at
22 0300, "Transmitter hiccuping again."

23 A Yes, just, that was Damon Casintini. After awhile
24 they try to lighten these logs up. They shouldn't, but they
25 meant going off and on. Yes, sir.

1 JUDGE SIPPEL: You'll have to spell his name, too.

2 THE WITNESS: C-A-S-I-N-T-I-N-I. I hope.

3 JUDGE SIPPEL: Close enough.

4 Is he on your staff or something?

5 THE WITNESS: Yes, sir. He works for us yet.

6 JUDGE SIPPEL: Thank you.

7 BY MR. BECHTEL:

8 Q Mr. Kase, I enjoyed the tutorial during our
9 deposition and I've enjoyed chatting with you today. Thank
10 you very much.

11 A Yes, sir.

12 JUDGE SIPPEL: Will there be any Redirect?

13 MR. HUTTON: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. HUTTON:

16 Q Mr. Kase, did the station undertake preventative
17 work on the transmitter during the time you were, during the
18 1989-1994 period?

19 A Yes, it was standard procedure during that time,
20 and it still is, for me to take the transmitter off the air
21 every six months for that timeframe that we talked about,
22 midnight to 8:00 in the morning, to do the maintenance.

23 It basically consisted of checking all water
24 fitting, going inside the transmitter itself. It's
25 something you don't do when it's operating. The high

1 voltage is extremely dangerous. So obviously we have to
2 take it off the air to do this. So we schedule the time
3 midnight to 8:00 in the morning timeframe. Gibb White and I
4 would go up there around midnight and do the maintenance
5 required, cleaning, replacing fittings, hoses that were
6 about to break. This reduced our down time for the rest of
7 the six months hopefully to the minimal amount.

8 We did it on a regular basis, and I continue to do
9 it to this day.

10 Q Can you recall, you mentioned replacing the
11 exciter. Can you recall any other extraordinary maintenance
12 work on the transmitter during that 1989 to '94 time period?

13 A The transmitter runs on three large vacuum tubes.
14 They're similar to the old tubes that you had in old
15 television sets. They had the heating elements in them.
16 There are large vacuums pumped in them. These tube are
17 about four foot high and each one produces 20,000 watts.
18 On the average they cost about \$47,000 each.

19 We had lost one during that timeframe, I think it
20 was in the 1990 timeframe, and that we had to have replaced.
21 That was my first venture into inside serious maintenance on
22 the transmitter. Gibb White did the main job, I was his
23 assistant. We basically had a tube made, had it sent to us.
24 At that point we were running our transmitter at half power,
25 only using one of the tubes. Then we took it off the air

1 and replaced the tube which was about a 12 hour operation.

2 It was a major, basically replacing about a third
3 of the transmitter as far as the main parts go. The three
4 tubes are the heart of the amplifier system. One of those
5 went and we had to replace that in that 1990 ball park
6 frame. Again, I don't know the exact date, but it was
7 around 1990.

8 MR. HUTTON: Thank you very much.

9 JUDGE SIPPEL: That's it?

10 MR. HUTTON: Yes.

11 JUDGE SIPPEL: I have no questions, Mr. Kase.
12 You're completed. We're not doing a fitness report on you,
13 so don't worry about that. We wish you the best, and Mrs.
14 Kase.

15 THE WITNESS: Thank you.

16 (Witness excused)

17 JUDGE SIPPEL: That concludes Mr. Kase's
18 testimony, and I guess that concludes the Cross-Examination
19 of all of the Reading witnesses, is that correct?

20 MR. HUTTON: That's correct, Your Honor.

21 JUDGE SIPPEL: We have some pending business with
22 respect to Exhibit 17 and 17-A and we also have a witness of
23 Mr. Boothe from the Adams side of the case who is to be
24 examined this morning.

25 What would be your preference? How long do you

1 think Mr. Boothe is going to take? We can do Mr. Boothe and
2 then go to the documents?

3 MR. HUTTON: Well, why don't we take care of our
4 housekeeping things first, and then we'll deal with Mr.
5 Boothe.

6 JUDGE SIPPEL: Is that okay, Mr. Bechtel?

7 MR. BECHTEL: Yes. At this point Mr. Cole will
8 take over the operation here.

9 JUDGE SIPPEL: Okay.

10 MR. BECHTEL: I would like leave to take those
11 logs off of the table, if that's all right with you, and
12 take them back home with me.

13 JUDGE SIPPEL: You may take care of your
14 business, sir. If you leave before we can hear from you
15 further, then we will see you in phase two.

16 MR. HUTTON: Before Mr. Bechtel leaves we might
17 want to address the question of whether Adams Exhibit 43
18 will be received into evidence.

19 JUDGE SIPPEL: That's a good question. You're
20 moving that into evidence I take it? 43.

21 MR. BECHTEL: Yeah.

22 JUDGE SIPPEL: Is there an objection to that?

23 MR. HUTTON: Yes there is, Your Honor.

24 Under the case that Mr. Bechtel cited the issue
25 seems to be one of encouraging licensees to make investments

1 in their stations to maintain a quality operation. These
2 discrepancy reports don't have anything to do with
3 investments. They just show what happened in the control
4 room and at the transmitter site from time to time. They
5 don't go to the issue of what investments the station made.

6 We covered that in Mr. Kase's Cross-Examination,
7 and that's fine, but to include discrepancy reports in the
8 record and to try to draw inferences from that I think is
9 far beyond what was anticipated in Cowles.

10 JUDGE SIPPEL: Well, I'm going to receive it into
11 evidence. Although there's a fair number of documents here,
12 in the nature of the evidence it doesn't burden the record
13 that much.

14 If you want to put rebuttal evidence in of some
15 sort in terms of investments that were made which might
16 entail some work orders or some evidence of equipment
17 purchased and that type of thing I'll leave the record open
18 a reasonable time to consider that.

19 But I'm, from what I've heard it's close enough to
20 Cowles to consider in any event, along with Mr. Kase's
21 testimony.

22 So I'm going to overrule the objection and I'll
23 receive it into evidence as Adams Exhibit 43.

24

25